

LAW OFFICES OF THOMAS MORE HOLLAND  
BY: THOMAS MORE HOLLAND  
IDENTIFICATION NO.: 43517  
1522 LOCUST STREET  
GRACE HALL  
PHILADELPHIA, PA 19102  
(215) 592-8080

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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JOSEPH MARINO	§	
Plaintiff,	§	
v.	§	
	§	
KENT LINE INTERNATIONAL	§	
d/b/a VOYAGEUR SHIPPING LTD., et al.	§	CIVIL ACTION NO: 02-CV-4488
Defendants.	§	

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ORDER

And now this        day of October, 2003 upon consideration of Plaintiff's  
Motion for Reconsideration of the court's order of October 3, 2003, the request is  
GRANTED . As a result of this reconsideration the Court Summary Judgment order  
of October 3, 2003 is vacated and the matter should proceed to trial.

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J.

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Plaintiff Joseph Marino respectfully request reconsideration of the Court's October 3, 2003 order dismissing summary judgment. In support thereof Plaintiff avers as follows:

1. This motion for reconsideration is made pursuant to local rule 7.1(g). This motion is made within ten days of the order of October 3, 2003.
2. Defendants Kent Line and Inchcape furnished documents through the course of discovery which are appended hereto and made apart hereof Exhibits K, L, and M . These documents were not previously presented to the Court for consideration.
3. Plaintiff respectfully submits that these documents establish that Defendant Kent Line and Defendant Inchcape were actively involved in the operations duty.
4. Plaintiff simultaneously asserts the summary judgment order entered in favor of Defendant Joseph Levy should be vacated.
5. Plaintiff was denied due process of law in adjudicating summary judgment of Defendant Joseph Levy insofar as there was no motion for summary judgment filed on behalf of Defendant Levy.

WHEREFORE, it is respectfully requested that the court vacate the October 3, 2003 order and permit this matter to proceed to trial.

Respectfully Submitted,

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THOMAS MORE HOLLAND

DATED:     October 10, 2003

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BRIEF IN SUPPORT OF MOTION FOR RECONSIDERATION

The attached documents establish the active operations of both Defendant Inchcape and Defendant Kent Line. This motion is made pursuant to local rules 7.1 (g). Moreover, insofar as no motion for Summary Judgment on behalf of Defendant Joseph Levy was filed, the entering an order in favor of that Defendant violated Plaintiff's right to due process.

Respectfully Submitted,

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THOMAS MORE HOLLAND

DATED: October 10, 2003

PROOF OF SERVICE

I, Thomas More Holland, Esquire, hereby certify that a true and correct copy of the foregoing Motion for Reconsideration to the following individuals:

Clerk of Courts  
United States District Court for the  
Eastern District of Pennsylvania  
601 Market Street, 2<sup>nd</sup> Floor  
Philadelphia, Pennsylvania 19106

HAND DELIVERY

The Honorable Berle M. Schiller  
United States District Court for the  
Eastern District of Pennsylvania  
601 Market Street, Room 5918  
Philadelphia, Pennsylvania 19106

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Maureen Levy  
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REGULAR MAIL

October 10, 2003

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Date

THOMAS MORE HOLLAND  
Attorney for Plaintiff